

MINUTES OF THE MEETING OF THE BAR-BENCH-MEDIA CONFERENCE

A meeting of the Bar-Bench-Media Conference was held on Thursday, December 19, 1996 in the Supreme Court Conference Room in Wilmington. The meeting was open to the public. Notice of the meeting had been posted. The following **members** of the Conference were in attendance:

Members from the Print News Media

Rita Farrell
Tom Russo

Members from the Bench

Judge Jay Paul James
Judge Roderick R. McKelvie
Judge John K. Welch

Members from the Bar

Richard D. Kirk, Esq.
Howard Handelman, Esq.

Judge McKelvie called the meeting to order.

Approval of the Minutes: The **minutes** of the **previous** meeting were approved.

Report of the Internet Committee: Judge McKelvie and Richard Kirk identified possible speakers for the upcoming full-day conference on April 10, 1997. Richard Kirk has invited Robert O'Neal, a UVA law professor, to speak. Judge McKelvie has invited Any Johnson Laird to speak on security issues. The Madison Conference Center is a possible locale for the conference. The conference will follow a format similar to that of the Cameras in the Courtroom Conference.

Report on Media Coverage in the Trial Courts: Judge McKelvie announced that there were no new developments to report on the Supreme Court's consideration of the Conference's report on expanding **media coverage in the trial courts**.

Discussion Topic: Guest speaker Judge Peggy L. Ableman of the Family Court led a discussion on reversing the presumption of confidentiality in Family Court proceedings. Attached are copies of statutes and citations to cases Judge Ableman referred to in her discussion.

New Business: Members present decided to consider whether to adopt a resolution in favor of reversing the presumption of confidentiality in Family Court proceedings. They agreed that no such resolution would be adopted until both sides of the issue had been heard. Members also discussed the lack of attendance at meetings. In order to promote better attendance at future meetings, Judge McKelvie stated that he would send a letter to all members ten days before the next meeting and would have his secretary call members two days before the next meeting.

Next Meeting: The next meeting of the Conference will be in the Supreme Court conference room at 1:00 p.m. on Thursday, February 20, 1997.

Next Discussion Topic. Michael Sigman has agreed to prepare a presentation for our February 20th meeting on the subject media coverage of high profile cases.

Chief Justice Veasey also reported that Justice Holland will head a program to develop internal operating procedures for the Family Court. He also pointed out that on April 30 he will attend a hearing of the bond committee of the General Assembly to request planning money for a Justice Center that is urgently needed.

Chief Justice Veasey also mentioned that, because the responsibilities of his office often prevent him from attending meetings of the conference, he will ask Justice Randy Holland to attend meeting of the Conference.

Tamra Brittingham's Comments

Tamra Brittingham, as a matter of personal privilege, asked permission to make a statement regarding the April 2 publication of a photograph in the Delaware State News of a woman in a hallway of the Sussex County Courthouse. A copy of her comments are attached to the minutes of this meeting and contains recommendations for conference action.

Future Video Conferencing

There was complete agreement that the video conferencing was a success and should be continued. Although there is a time lag in the sound transmission, the convenience for the members and public of being able to attend the meetings of the conference in each of the counties was extremely important. It was noted that material for discussion at the meetings should be circulated to all the members in advance of the meeting to avoid members in one county discussing material not available to members in the other counties.

Next Meeting

The next meeting of the Conference is scheduled for June 19, 1997, at 1:00 p.m. The Chair reminded the members that there will be an election of officers and appointment of members to fill the vacancies of those members whose terms expire.

Mr. Sigman thanked Mrs. Meyer for her time and the thoroughness of her presentation of the discussion on the Family Court issue, and he also thanked Judge Ableman for her participation.

Submitted by
Howard Handelman

Approval of the Minutes

The minutes of the meeting of February 20, 1997, were approved, subject to corrections of name misspellings.

Discussion Topic

Mrs. Meyer led the discussion regarding the issue of whether the Family Court hearings that currently are confidential should be open to the public. She is Chair of the Open Court Subcommittee of the Delaware State Bar Association's Family Law Section. Mrs. Meyer presented and explained the ten proposals set forth in the March 12, 1997 recommendation of her committee. A copy of the recommendation is attached to these minutes. It expresses the view that public access to Family Court hearings has to be balanced against privacy rights and security concerns.

Mrs. Meyer also circulated a copy of the proposed House Joint Resolution 4 of the General Assembly. A copy is attached to these minutes. The resolution expresses the General Assembly's intent that the hearings of the Family Court be more open and that a study be made with a report by May 1, 1998, recommending implementation of changes in procedure.

Following a lengthy discussion, Ruth Ferrell raised the question whether the Conference should take a position on such issues. She expressed the view that the Conference should not, because members from the media cannot speak for the entire media nor commit the media to a position. Vice Chancellor Jacobs expressed the contrary view that when there is a consensus on such issues the Conference should take a position, pointing out that the Conference in the past has done so on similar issues, such as cameras in the court room. No action was taken on this issue, because, upon inquiry from the Chair, no motion was made for the Conference take a position regarding the confidentiality of Family Court proceedings.

Chief Justice Veasey's Report

Chief Justice Veasey reported that he has been asked to be Chair of the American Bar Association's conference of lawyers and representatives of the media and is to be Chair of a committee of the Conference of Chief Justices relating to the courts and the public. He also reported that he has appointed Mike Parkowski as Chair of a committee involving open courts and the public, students, and the legislators.